IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 787 of 2006 (M/B)

1. Ramesh Chandra S/o Kishnanand,
   Gram Pradhan, Basnalgaon,
   Tehsil Bhikyasain, Patwari Area Deghat,
   District Almora.
2. Deepak Bahuguna S/o Khimanand Bahuguna.
3. Heera Singh S/o Late Sri Mohan Singh.
4. Pravin Singh S/o Late Sri Bishan Singh.
5. Dharmendra Singh S/o Late Sri Johar Singh,
   Petitioner Nos. 2 to 5 all R/o Village Basnalgaon,
   Tehsil Bhikyasain, Patwari Area Deghat,
   District Almora. ..... Petitioners

Versus

1. State of Uttaranchal,
2. Judicial Magistrate, Ranikhet,
   District Almora.
3. Patwari, Police Station Patwari Area Deghat,
   Sub District Bhikyasain,
   District Almora.
4. Harish Chandra Joshi S/o Sri Umakant Joshi,
   Junior Engineer,
   Irrigation and Construction Sub Division,
   Shyalde, District Almora. ..... Respondents

Mr. Sudhir Singh, Advocate for the petitioners.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.
None for respondent No. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Sudhir Singh, Advocate for the petitioners.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.

None for respondent No. 4.

They are heard on admission.

2. Petitioners Ramesh Chandra, Deepak Bahuguna, Heera Singh, Pravin Singh and Dharmendra Singh have filed this writ petition for the following reliefs:

> "(i) issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 20.06.2006 under section 147, 342, 343, 504, 506 read with section 7 of Criminal Amendment Act P.S. Patwari area – Deghat, Sub District Bhikiyasen District Almora and further proceeding thereof.
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> (ii) issue any suitable writ, order or direction of any nature which this Hon'ble Court deem fit and proper in the present circumstances of the case.
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> c. award the cost of the petition in favour of the petitioner.

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No. 2 of 2006 registered at Patti Patwari Deghat, District Almora for the alleged commission of the offences punishable under Sections 147, 348, 353, 504 and 506 of the I.P.C.

4. According to the First Information Report, the petitioners and their other associates are alleged to have abused and manhandled respondent No. 4 Harish Chandra Joshi, a Junior Engineer in the Irrigation Department; humiliated him; wrongfully confined him; and prevented him from discharging his official duties as Junior Engineer.

5. On due consideration of the submissions of the learned counsel for the parties and the allegations against the petitioner in the First Information Report and the high handed manner in which the petitioners are said to have wrongfully confined respondent No. 4 Harish Chandra Joshi, a Junior Engineer and later on, his superior officer also and prevented them from discharging their duties, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition.

6. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

7. With the above order, CLMA No. 8283 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 05.07.2006

(Rajeev Gupta, C. J.) 05.07.2006

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